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9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA

11 SANDRA S. YBARRA, ) Case No. 08cv0350 BEN(POR)  
12 )  
Plaintiff, )  
13 )  
v. ) **DEFENDANT'S NOTICE OF**  
14 ) **RELATED CASE**  
UNITED STATES OF AMERICA, )  
15 )  
Defendant. )  
16 )  
\_\_\_\_\_ )

17  
18 1. COMES NOW Defendant, the United States of America, by and  
19 through its attorneys, Karen P. Hewitt, United States Attorney and  
20 Melanie A. Andrews, Special Assistant United States Attorney, and  
21 pursuant to the United States District Court for the Southern District  
22 of California Local Civil Rule 40.1(e), hereby file this notice of  
23 related case.

24 2. According to Plaintiff's complaint, on or about May 3,  
25 2005 she suffered injuries as the result of being hit by improperly  
26 stacked cases of beer that were located at a retail establishment on  
27 board the Naval Base San Diego. After Plaintiff's administrative tort  
28 claim was denied, on February 22, 2008 she filed this lawsuit in

1 the District Court for the Southern District of California. The  
2 United States was served on February 22, 2008 and its answer is due  
3 no later than April 22, 2008.

4 3. On or about April 26, 2007, Plaintiff filed a civil  
5 action in San Diego Superior Court against Anheuser Busch alleging  
6 that on or about May 3, 2005, she suffered injuries as the result of  
7 being hit by improperly stacked cases of beer that were located at a  
8 retail establishment in the City of San Diego. After counsel for  
9 Anheuser Busch filed a timely answer, it sought to remove the case to  
10 federal court. Successful removal to the District Court for the  
11 Southern District of California occurred on July 24, 2007. That case  
12 is Ybarra v. Anheuser-Busch, Inc., 07CV1350 JAH(WMC).

13 4. Defendant, United States, believes that both cases involve  
14 the same Plaintiff and same incident as information obtained during  
15 the administrative tort claim process and her pleadings indicate that  
16 Sandra Ybarra alleges she was injured at the Naval Base by falling  
17 cases of beer manufactured by the Anheuser Busch Company. Since  
18 Plaintiff is suing two defendants for conduct arising out of the same  
19 incident, judicial economy should dictate that both cases be assigned  
20 to a single district judge.

21 Respectfully submitted,

22 Dated: March 11, 2008

KAREN P. HEWITT  
United States Attorney

23  
24 /s/ *MELANIE A. ANDREWS*  
25 Special Assistant U.S. Attorney  
26 Attorneys for the United States  
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